

## **Sections repealed by the codification of Title 79, Natural Resources**

### **63-34-1. Short title.**

This act shall be known and may be cited as the "Utah Natural Resources Act."

### **63-34-7. Federal aid programs -- Agreements with other states and organizations -- Authority of executive director.**

The executive director of natural resources, with the approval of the governor, may accept, in behalf of the state of Utah, and bind the state by such acceptance, any executive or legislative provisions that may be promulgated or enacted by the federal government or any agency thereof, whereby the state of Utah is invited, permitted or authorized to participate in the distribution, disbursement or administration of any fund or service, advanced, offered or contributed in whole or in part by the federal government for purposes consistent with the powers and duties of the department.

If any executive or legislative provisions of the federal government shall require, as a condition to participation by the state of Utah in any fund, property or service, the executive director, with the governor's approval, shall expend whatever funds are necessary out of the moneys provided by the Legislature for the use and disbursement of the Department of Natural Resources.

### **63-34-10. "Volunteer" defined -- Expense reimbursement.**

As used in this chapter, "volunteer" means any person who donates services to the Department of Natural Resources or its divisions without pay or other compensation. Volunteers may be reimbursed for expenses actually and necessarily incurred, to include transportation, meals, lodging, uniforms and other items as approved by the Department of Finance, in such amounts and in accordance with the rules and regulations of the Department of Finance.

### **63-34-11. Volunteers as state employees.**

A volunteer is considered an employee of the state for the purposes stated in Section 67-20-3.

### **63-34-12. Approval prerequisite to volunteer service -- Rules and regulations.**

(1) Volunteers may not donate any service to the Department of Natural Resources or its divisions unless and until the work program in which volunteers would serve has first been approved, in writing, by the executive director of the Department of Natural Resources and the executive director of the Department of Human Resource Management.

(2) Volunteer services shall comply with any rules adopted by the Department of Human Resource Management relating to that service that are not inconsistent with the provisions of Sections 63-34-9 through 63-34-12.

### **63-34-16. Outdoor recreation facilities -- Executive director to plan.**

The executive director of natural resources, in cooperation with the state planning coordinator and the state and local agencies responsible for planning, acquisition, and development of outdoor recreation facilities, is authorized to prepare, maintain, and keep up to date a comprehensive plan for the development of the outdoor recreation resources of the state. The completed plan and all amendments thereto shall be submitted to the governor for his review and approval.

### **63-34-17. Outdoor recreation facilities -- Powers of executive director to obtain federal aid.**

The executive director of natural resources may, by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures, apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation. The executive director may, in cooperation with other state agencies and after obtaining the approvals required by Title 63J, Chapter 5, Federal Funds Procedures, enter into contracts and agreements with the United States or any appropriate agency thereof, keep financial and other records relating thereto, and

furnish to appropriate officials and agencies of the United States such reports and information as may be reasonably necessary to enable such officials and agencies to perform their duties under such programs. In connection with obtaining the benefits of any such program, the executive director of natural resources shall coordinate the department's activities with and represent the interests of all agencies and subdivisions of the state having interests in the planning, development, and maintenance of outdoor recreation resources and facilities.

**63-34-18. Outdoor recreation facilities -- Department of Natural Resources as agent of state.**

The Department of Natural Resources is authorized to act as the agent of state and local agencies to receive and to disburse federal moneys in accordance with the comprehensive plan for the development of the outdoor recreation resources of the state as approved by the governor.

**63-34-19. Outdoor recreation facilities -- Availability of funds for shares of state or political subdivision project costs required.**

The executive director of natural resources shall make no commitment or enter into any agreement pursuant to an exercise of authority under this act and neither shall the governor approve the same until it has determined that sufficient funds are available to it for meeting the state's share, if any, of project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of this act, such areas and facilities shall be publicly maintained for outdoor recreation purposes. The executive director of natural resources may enter into and administer agreements with the United States or any appropriate agency thereof with the approval of the governor for planning, acquisition, and development projects involving participating federal-aid funds on behalf of any political subdivision or subdivisions of this state, if such political subdivision or subdivisions give necessary assurance to the executive director of natural resources that they have available sufficient funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such political subdivision or subdivisions for public outdoor recreation use.

**63-11-1. Designation of old Utah state prison site as state park.**

(1) The old Utah state prison site, as hereinafter particularly described, is set apart and designated as a state park, this designation to be effective from and after the time said property is vacated for prison uses by transfer of the prisoners and prison facilities to the new state prison at the Point of the Mountain prison site in Salt Lake County, Utah.

(2) The property so designated and set apart as a state park is particularly described as follows: Beginning at the northwest corner of Section 21, T. 1 S., R. 1 E., S. L. B. & M. thence N. 89 degrees 58 minutes 44 1/2 seconds E., along the north line of said section 2643.38 feet, to the north 1/4 corner of said section: thence S. 0 degrees 06 minutes 37 seconds W., 179.39 feet to the south side of east 21st South Street: thence S. 89 degrees 52 minutes 41 seconds E., along said south side of east 21st South Street, 409.91 feet to the northeast fence corner of the prison property: thence S. 0 degrees 17 minutes 36 seconds W., along the east fence line of said prison property, 1861.00 feet to the north bank of Parley's Canyon Creek Wash: thence N. 63 degrees 40 minutes W., along a fence line on the north bank of said wash, 63.59 feet; thence S. 10 degrees 08 minutes E., 87.97 feet along a fence and S. 12 degrees 39 minutes W., 29.00 feet along a fence, to a fence corner on the south bank of said wash: thence S. 18 degrees 09 minutes W., along a fence line, 325.84 feet, to the center line of the D & RG RR tracks through the prison property: thence S. 18 degrees 36 minutes W., along a fence line 225.78 feet to the southeast corner of said prison property: thence N. 89 degrees 47 minutes 58 seconds W., along the north boundary line of the Highland Park Subdivision, said line being the east and west center line through said section, 2830.90 feet, to the west 1/4 corner of said section: thence N. 0 degrees 14 minutes 46 seconds E., along the west line of said section 2639.78 feet, to the point of beginning.

(3) This tract of land contains approximately 188.66 acres; less state highway and areas north of highway, 4.84 acres; yielding a net of 183.82 acres.

**63-11-17.5. Powers and duties of board and division concerning areas along rivers and streams -- Definitions -- Limitations on construction.**

(1) Upon the transfer to the Division of Parks and Recreation of the properties, rights, interests, powers, functions, duties, and liabilities of the Provo-Jordan River Parkway Authority as provided in Section 63-11-16.5, the Division and Board of Parks and Recreation shall have the same powers, functions, and duties as previously covered by this chapter but in addition shall establish and coordinate programs for the development of recreational areas, water conservation, flood control, and wildlife conservation along those rivers and streams that are impacted by high density populations or that are prone to flooding. In this connection the Division of Parks and Recreation shall provide for:

- (a) The development of those areas along rivers or streams as the division determines to be suitable and desirable for recreation usage.
- (b) The restoration and preservation of points of historical interest along rivers and streams.
- (c) The development of those areas along rivers or streams that the division, in consultation with the appropriate county executive, determines to be suitable and desirable for flood control.
- (d) The development of those areas along rivers or streams that the division determines to be suitable and desirable for reclamation.
- (e) The development of those areas along rivers or streams that the division determines to be suitable and desirable for wildlife management.
- (f) The development of those areas along rivers or streams that the division determines to be suitable and desirable for water conservation.
- (g) The regulation and control of types of development other than those set forth above in this Subsection (1) along rivers and streams designated by the division within their present flood plains.

(2) As used in this section:

(a) "Flood plains" means the lands along the course of the river or stream which are periodically flooded and for which flood control protective works would normally be provided or desirable. The 1952 flood is used as a present flood plain criterion for the Jordan River.

(b) "Division" means the Division of Parks and Recreation.

(c) "Advisory council" means the Riverway Enhancement Advisory Council.

(3) The division may not permit the construction of any structures, subdivisions, or other developments on or along rivers or streams, or within their present flood plains, which are in violation of any ordinances of any political subdivision having jurisdiction in that area but may in respect to this development impose requirements in excess of and in addition to those provided in those ordinances. The more restrictive of the requirements imposed by the political subdivision or by the division are applicable. The division may not be authorized to administer water rights.

**63-11-17.7. Riverway Enhancement Advisory Council created -- Composition -- Terms -- Vacancies -- Chair -- Quorum -- Council payment.**

(1) There is created within the Division of Parks and Recreation the Riverway Enhancement Advisory Council for the purpose of advising the Division and the Board of Parks and Recreation regarding the riverway enhancement program.

(2) The advisory council consists of 11 members appointed by the Board of Parks and Recreation as follows:

(a) One elected municipal officer shall be appointed from each of the following planning districts:

- (i) Bear River - Box Elder, Cache, and Rich Counties;
- (ii) Five County - Beaver, Garfield, Iron, Kane, and Washington Counties;
- (iii) Mountainland - Summit, Utah, and Wasatch Counties;
- (iv) Six County - Juab, Millard, Piute, Sanpete, Sevier, and Wayne Counties;
- (v) Southeast - Carbon, Emery, Grand, and San Juan Counties;
- (vi) Uintah Basin - Daggett, Duchesne, and Uintah Counties; and
- (vii) Wasatch Front - Davis, Morgan, Salt Lake, Tooele, and Weber Counties.

(b) Four members shall be appointed from among the residents of cities and towns in the state.

(3) (a) Except as required by Subsection (2)(b), each member shall be appointed for a four-year term of office.

(b) Notwithstanding the requirements of Subsection (3)(a), the Board of Parks and Recreation

shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(4) (a) Any vacancy occurring in the advisory council shall be filled by a person having the same qualifications as the person whose office has been vacated.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) The advisory council shall appoint a chair from its membership, who shall serve for a term of office of two years but may be reelected for subsequent terms. Six members of the council constitutes a quorum.

(6) (a) Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.

**63-11-19.1. Contracts for purchase of lands for addition to Wasatch Mountain State Park -- Tax levy for payment of principal and interest -- Separability.**

(1) The Board of Parks and Recreation may enter into real estate installment contracts for the purchase of lands in Wasatch County, Utah, for addition to the Wasatch Mountain State Park.

(2) The total principal amount of contracts entered into under authority of this section may not exceed \$150,000 nor the limitation imposed by Section 1 of Article XIV of the Constitution of the state of Utah.

(3) (a) The contracts shall be:

(i) executed by the chair on behalf of the board; and

(ii) payable with interest at a rate not to exceed 3 per cent per annum on the deferred principal installments.

(b) The contracts may not exceed ten years in duration.

(4) (a) The installment payments on the principal of the contracts shall be payable in equal annual installments beginning one year from the date of the contracts and annually thereafter with interest on deferred payments not in excess of the amount provided in Subsection (3).

(b) The contracts may provide that payment of all or any part of the amount due under all or any of the contracts may be accelerated by the board at any time and from time to time.

(c) The installment contracts shall be in the form and bear the details that the board determines, and are assignable by the seller.

(d) When assigned to a bona fide purchaser for value, the payment of the principal installments and interest remaining due at the time of the assignment may not be avoided or invalidated for any irregularity or defect in the proceedings for their execution and delivery or for failure of compliance with any of the other terms or conditions of the contracts, but shall be incontestable in the hands of that bona fide purchaser for value.

(5) (a) The full faith and credit of the state of Utah is pledged to the payment of the installment contracts and the principal and interest on them.

(b) (i) There is levied on all taxable property in the state of Utah, in addition to all other taxes, a direct annual tax sufficient to pay the principal amounts of installments falling due in each year on the contracts, together with applicable interest.

(ii) The tax established in this Subsection (b)(i) is abated in any year in which sufficient funds provided from other sources to pay the amounts of principal and interest falling due in that year have been made available for those payments.

(6) If any provision of this section, or the application of any provision to any person or circumstance, is held invalid, the remainder of this section is not affected by that declaration of invalidity.

**63-11-19.6. User fee for golf -- Green River State Park.**

(1) A \$1.50 user fee is assessed at Green River State Park for playing nine holes of golf.

(2) The fee in Subsection (1) is:

(a) in addition to the fee set by the Board of Parks and Recreation; and

(b) to be used at the golf course for:

- (i) the development and upgrade of facilities; or
- (ii) the purchase of golf course operation and maintenance equipment.
- (3) The revenue from the fee established in Subsection (1) shall be nonlapsing.

**63-11-33. Pioneer Monument State Park -- Conveyance by University of Utah of additional land.**

Under the terms of Patent No. 43-69-0012 from the United States of America to University of Utah, the University of Utah shall convey to the Utah State Division of Parks and Recreation a portion of those lands formerly a part of the Fort Douglas Military Reservation for the division's use as an addition to Pioneer Monument State Park.

**63-11-34. Pioneer Monument State Park -- Area to be conveyed.**

The lands to be conveyed by the University of Utah to the Utah State Division of Parks and Recreation are in conformity to plans developed by the division and described as follows:

Beginning at the closing corner of Sections 2 and 11, T. 1 S., R. 1 E., S.L.B.&M., which is common to angle point 1 Tract D and Tract C of the official B.L.M. survey of Fort Douglas Military Reservation; thence S. 62 degrees 18' 30" W. 2311.71 ft., thence North 1910.70 ft.; thence East 2048.15 ft.; thence S. 0 degrees 05' W. 836.42 ft. to the point of beginning. The above-described parcel of land contains 64.583 acres.

**63-11-35. Pioneer Monument State Park -- Date of conveyance.**

The conveyance of lands described in this act shall be completed no later than July 1, 1969. Provided however, if transfer of title has not been approved by the United States Government in accordance with applicable federal regulations on or before July 1, 1969, the date of conveyance may be extended until such approval is received.

**63-11-36. Bonneville Scenic Drive -- Location of right of way.**

The right of way across University of Utah lands for the proposed Bonneville Scenic Drive and/or the Salt Lake Belt Route shall be located above the 5200-foot contour line except where it crosses the mouth of Red Butte Canyon. The total acreage below the 5200-foot contour line for the Bonneville Scenic Drive and/or the Salt Lake Belt Route including the connecting road between Foothill Drive and the interchange in the mouth of Red Butte Canyon shall not exceed 24 acres.

**63-11-56. State museum of Indian history and culture -- Acquisition of property.**

The state of Utah, through the Division of Parks and Recreation, is hereby authorized to secure title to that land contiguous to the Anasazi Ruins at the edge of the cedars near Blanding, Utah, legally described as follows: Beginning at a point 1320 feet South and 760 feet East of Northwest corner of Section 27, Township 36 South, Range 22 East, Salt Lake Base and Meridian; and running thence East 560 feet; thence South 307 feet; thence West 66 feet; thence South 238 feet; thence West 494 feet; thence North 545 feet to point of beginning; for the purpose of constructing and maintaining a state museum of Indian history and culture.

**63-11-62. Frontier history and culture -- State monument -- Title to land.**

The state of Utah, through the Division of Parks and Recreation, is authorized to secure title to certain land contiguous to the site of Miles Goodyear's Fort Buenaventura in Ogden, Weber County, Utah, for the purpose of constructing and maintaining a state monument to frontier history and culture.

**63-11a-503. Centennial Nonmotorized Paths and Trail Crossings Program -- Eligibility and distribution -- Rulemaking.**

- (1) There is created the Centennial Nonmotorized Paths and Trail Crossings Program.
- (2) The program shall be funded from the following sources:
  - (a) appropriations made to the program by the Legislature; and
  - (b) contributions from other public and private sources for deposit into the program.

(3) All monies appropriated to the Centennial Nonmotorized Paths and Trail Crossings Program are nonlapsing.

(4) Subject to Subsection (5), the division, upon the recommendation of the council, shall authorize the use of program monies for state, county, and municipal projects that:

(a) provide continuous and safe routes, paths, or trails for equestrian riders, pedestrians, bicyclists, and other human powered vehicle operators; and

(b) provide access past major highways and other physical impediments that limit safe equestrian riders, pedestrian, bicyclist, and other human powered vehicles.

(5) The program monies authorized under Subsection (4) are subject to:

(a) monies available in the program;

(b) the provisions of this section; and

(c) rules made under Subsection (8).

(6) (a) The state, a county, or a municipality may apply to the division under this section for monies from the program for a specified project.

(b) (i) Program monies may not exceed 50% of the total costs for any project. The remaining project costs must be provided by the state, the county, or the municipality that applies for program monies as matching funds.

(ii) Matching funds may be provided from any available source, including grants and other private or public sources.

(7) A single project may not receive more than 50% of the total program monies available in a fiscal year except upon the unanimous recommendation of the council.

(8) (a) The division shall administer the program.

(b) The Board of Parks and Recreation shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing the:

(i) prioritizing and awarding of program monies by the division; and

(ii) procedures for the state, a county, or a municipality to apply for program monies for projects.